

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION

IN RE:

ESTELLE REED SMITH,

DEBTOR.

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CHAPTER 13  
CASE NO. 11-80649

OBJECTION TO VALUATION

NOW COMES Coastal Federal Credit Union (herein "Coastal"), by and through its undersigned counsel, and hereby objects to the proposed valuation of its secured claim in the Debtor's Chapter 13 Plan. In support thereof, Coastal shows unto the Court as follows:

1. The Debtor sought and obtained relief from the Court under Chapter 13 of the Bankruptcy Code, 11 U.S.C. §§1301-1330, by petition filed on or about April 9, 2011.

2. On or about August 23, 2008, the Debtor purchased a 2005 Chevrolet Malibu, VIN# 1G1ZT62805F277359 (herein the "Vehicle") pursuant to the terms of an installment sales contract of even date (herein the "Contract"). A copy of the Contract is attached hereto marked Exhibit 1. The Contract was subsequently assigned to Coastal, and Coastal is now the sole owner and holder of same.

3. Under the terms of the Contract, Coastal has a senior perfected first lien on the Vehicle. A copy of the Certificate of Title evidencing same is attached hereto marked Exhibit 2.

4. As of the petition date, the net payoff due and owing to Coastal under the Contract was \$6,451.82, plus interest.

5. The Debtor's proposed Chapter 13 Plan allows Coastal a secured claim for \$5,985.00 relative to the Vehicle. However, the retail value of the Vehicle as listed in the April 2011 N.A.D.A. Book is \$7,900.00, comprised of a "base" retail value of \$9,375.00 for the make and model vehicle in question, with a \$1,475.00 deduction for high mileage (123,020 miles). See Exhibit 3. Accordingly, based on this Court's practice of allowing secured claims to collateralized lenders at 90% of NADA retail value as of the petition date, the presumptive 'replacement value' of the Vehicle is \$7,110.00, which would entitle Coastal to a fully secured claim in the Chapter 13 Plan for the Vehicle of \$6,451.82.

WHEREFORE, Coastal respectfully requests that the Court conduct a hearing for the purpose of determining the proper value of Coastal's secured claim in this case, and that the Court thereafter enter an Order allowing Coastal a fully secured claim on the Vehicle of \$6,451.82, plus interest at a rate determined by the Trustee, and granting Coastal such other and further relief as the Court deems necessary, just and proper.

This the 13th day of July, 2011.

KIRSCHBAUM, NANNEY, KEENAN & GRIFFIN, P.A.

By: s/Pamela P. Keenan

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# CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this day, she served a copy of the foregoing on the parties in interest either electronically or by depositing copies of same in a depository under the exclusive care and custody of the United States Postal Service, in a postage-paid envelope, addressed as follows:

Estelle R. Smith  
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This the 13th day of July, 2011.

s/ Beverly Morris  
Beverly Morris  
Paralegal